

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

DYLAN LEE MONROE KLEIN,

Plaintiff,

vs.

CASCADE COUNTY DETENTION
CENTER, PETER MOLNER,
DETENTION CENTER MEDICAL
STAFF, and SGT. GRUBB,

Defendants.

CV 17-104-GF-BMM-JTJ

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS**

Plaintiff Dylan Klein, a prisoner proceeding without counsel. Magistrate Judge John Johnston issued a Scheduling Order on August 7, 2018, requiring the parties to file an initial disclosure statement within 60 days and to exchange documents which may be used in proving or denying any party's claims or defenses. (Doc. 19 at 1-3.) Klein did not timely file a disclosure statement. Judge Johnston issued an Order on October 17, 2018, requiring Mr. Klein to file his

statement within 30 days. Klein failed to comply with Judge Johnston's August 7, 2018, and October 17, 2018, Orders.

The Court possesses inherent power to sua sponte dismiss a case for lack of prosecution or failure to comply with a court order. *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986); *see also* Fed.R.Civ.P. 41(b). Dismissal should be imposed as a sanction only in extreme circumstances. *Henderson*, 779 F.2d at 1423.

Judge Johnston issued Findings and Recommendations in this matter on January 2, 2019. (Doc. 28.) Judge Johnston recommended the matter be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Neither party filed objections.

Given that no objections were filed, the Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 28), are **ADOPTED IN FULL**.

IT IS FUTHER ORDERED that this matter is DISMISSED pursuant to Fed.R.Civ.P. 41(b). The Clerk of Court is directed to close this matter, enter judgment pursuant to Fed.R.Civ.P. 58, and terminate all pending motions.

IT IS FURTHER ORDERED that the Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision will not be taken in good faith.

DATED this 6th day of February, 2019.



Brian Morris
United States District Court Judge